

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARISELA FLORES GARCIA, et al.,

Plaintiffs,

-against-

GROCERY-TAQUERIA MEXICANA
CORP., et al.,

Defendants.

Case No. 1:19-cv-09482 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Now before the Court is the Report and Recommendation, dated November 29, 2022, of Magistrate Judge Barbara C. Moses recommending that Plaintiff be awarded damages in the aggregate amount of \$28,165 against Defendants, jointly and severally. ECF No. 54.

Specifically, Judge Moses recommends that Plaintiff be awarded: (1) \$7,492.50 in compensatory damages for Defendants' failure to pay the minimum and overtime wages required by New York state law, and the same amount in liquidated damages for the wage violations; (2) \$1,590 for Defendants' failure to provide spread of hours pay under New York state law, and the same amount in liquidated damages for the spread of hours violations; (3) \$10,000 in statutory damages for Defendants' failure to provide the wage statements and notices required under New York state law, and (4) prejudgment interest in the amount of \$2.24 per day from May 24, 2019 to the date of entry of final judgment.

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties had fourteen days from the service of the Report and Recommendation to file written objections. That time has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error. *See Gomez v. Brown*, 655 F. Supp. 2d

332, 341 (S.D.N.Y. 2009) (noting that, with respect to “uncontested portions of a report and recommendation, a district court need only satisfy itself that there is no clear error on the face of the record”). “A decision is ‘clearly erroneous’ when the reviewing Court is left with the definite and firm conviction that a mistake has been committed.” *Royal Park Invs. SA/NV v. Deutsche Bank Nat’l Tr. Co.*, No. 14-cv-4394 (AJN), 2018 WL 1750595, at *21 (S.D.N.Y. Apr. 11, 2018). Having reviewed Judge Moses’ 23-page report, and finding it to be well-reasoned, thorough, and free from clear error, the Court adopts the November 29, 2022 Report and Recommendation of Judge Moses in its entirety.

Accordingly, the Clerk of Court is respectfully directed to enter judgment against Defendants, jointly and severally, in the aggregate amount of \$28,165, comprising:

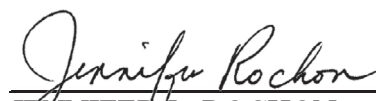
1. \$9,082.50 in compensatory damages for unpaid wages, including overtime, and failure to provide spread of hours pay;
2. \$9,082.50 in liquidated damages for those same violations;
3. \$10,000 in statutory damages;
4. Prejudgment interest in the amount of \$2.24 per day from May 24, 2019 to the date of entry of final judgment.

Plaintiffs’ counsel is instructed to serve a copy of this Order on Defendants by mail and any other means reasonably calculated to reach them, and to file proof of such service on the docket of this action, within seven (7) days of the date of this Order.

The Clerk of Court is further directed to CLOSE this case.

Dated: December 28, 2022
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge